

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**June 25, 2002**

**IN RE:**

**APPROVAL OF THE THIRD AMENDMENT TO  
THE INTERCONNECTION AGREEMENT  
NEGOTIATED BY BELL SOUTH  
TELECOMMUNICATIONS, INC. AND GTE  
MOBILNET OF CLARKSVILLE  
INCORPORATED, GTE MOBILNET OF  
TENNESSEE INCORPORATED, GTE  
MOBILNET OF NASHVILLE INCORPORATED,  
KNOXVILLE CELLULAR TELEPHONE  
COMPANY, CHATTANOOGA CELLULAR  
TELEPHONE COMPANY, AND MEMPHIS  
CELLULAR TELEPHONE COMPANY  
PURSUANT TO SECTIONS 251 AND 252 OF  
THE TELECOMMUNICATIONS ACT OF 1996**

**DOCKET NO. 02-00389**

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**ORDER APPROVING THIRD AMENDMENT TO  
THE INTERCONNECTION AGREEMENT**

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This docket came before the Tennessee Regulatory Authority (the "Authority") at the June 11, 2002 Authority Conference upon the filing of a petition requesting approval of the Third Amendments to the commercial mobile radio services interconnection agreements negotiated between BellSouth Telecommunications, Inc. and GTE Mobilnet of Clarksville Incorporated, GTE Mobilnet of Tennessee Incorporated, GTE Mobilnet of Nashville Incorporated, Knoxville Cellular Telephone Company, Chattanooga Cellular Telephone Company, and Memphis Cellular Telephone Company, collectively d/b/a Verizon Wireless.

The original Interconnection Agreements were filed with the Authority on August 8, 1997 and assigned Docket No. 97-01400. The Agreements were approved at a regularly scheduled Authority Conference held on November 4, 1997. The First Amendments to the Interconnection Agreements were filed with the Authority on February 28, 1998 under Docket No. 97-01400 and approved at a regularly scheduled Authority Conference held on May 19, 1998. The Second Amendments were filed on July 3, 2001 under Docket No. 01-00586 and approved at a regularly scheduled Authority Conference held on September 11, 2001.

The Third Amendments, which are the subject of this order, were filed on April 9, 2002 pursuant to 47 U.S.C. § 252. The Authority considered the Third Amendments at a regularly scheduled Authority Conference held on June 11, 2002. Based upon the petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Third Amendments and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The Third Amendments are in the public interest as each provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The Third Amendments are not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier not a

party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Third Amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) These Third Amendments relate to an agreement for the provision of commercial mobile radio services, not an agreement between competing carriers.

6) By approving these Third Amendments, the Authority does not make a determination that the provision of wireless services to both business and residential customers within the BellSouth Telecommunications, Inc. service area rises to the level of facilities-based competition under 47 U.S.C. § 271(c)(1)(A).

7) No person or entity has sought to intervene in this docket.

8) The Third Amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

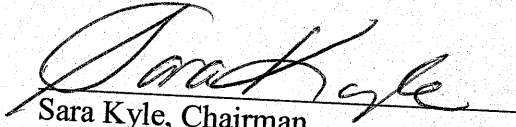
**IT IS THEREFORE ORDERED THAT:**

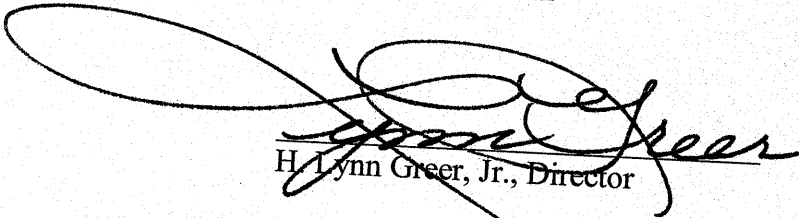
The Third Amendments to the Commercial Mobile Radio Services Interconnection Agreements negotiated between BellSouth Telecommunications, Inc. and GTE Mobilnet of Clarksville Incorporated, GTE Mobilnet of Tennessee Incorporated, GTE Mobilnet of Nashville Incorporated, Knoxville Cellular Telephone Company, Chattanooga Cellular Telephone Company, and Memphis Cellular Telephone Company, collectively d/b/a

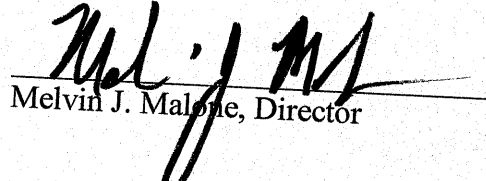
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<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).


Verizon Wireless are approved and are subject to the review of the Authority as provided herein.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Jr., Director

  
Melvin J. Malone, Director

ATTEST:

  
K. David Waddell, Executive Secretary